

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17212 of 2025

Arising Out of PS. Case No.-540 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Dabalu Paswan, aged about 26 years, Gender-Male, Son of Mukesh Paswan,
Resident of Village - Raisingha (Raysingha), P.S.- Muffasil Motihari, District
- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 03-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Muffasil
P.S. Case No. 540 of 2023 dated 28.07.2023 registered for the
offences punishable under Sections 30(a), 32 and 41(1) of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 40 litres of country
made liquor is said to have been recovered from the
Apache Motorcycle.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in the present case. He was not arrested on the spot. His name has surfaced in the present case on the basis of the disclosure made by the local villager but the name of the local villager has not been disclosed by the police in the F.I.R. He has no concern with the alleged offence. The petitioner is neither the owner of the said motorcycle nor he has any connection with the seized illegal liquor. No incriminating article has been recovered from his possession. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 17.12.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 01, East Champaran at Motihari in connection with Muffasil P.S. Case No. 540 of 2023.



7. The application stands allowed.

(Chandra Prakash Singh, J)

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